

EXHIBIT R

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

NATIONAL EDUCATION
ASSOCIATION;

et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
EDUCATION;

et al.,

Defendants.

Case No.: 1:25-cv-00091

**DECLARATION OF MEMBER F IN
SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION**

**DECLARATION OF MEMBER F IN SUPPORT OF PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

I, Member F, hereby declare that

1. My name is Member F. I am over the age of 18 years. I have personal knowledge of the following facts and if called to testify could and would competently do so.
2. I am offering this Declaration in my individual capacity and not on behalf of the institution that employs me.
3. I currently serve as an instructor and fellow at a community college in the Midwest. My college receives funding from the Department of Education. I am an NEA member.

4. I hold a bachelor's degree in English, and a masters in writing and publishing. I am currently pursuing a Doctor of Education (Ed.D.) degree, with a focus on Leadership in Community Colleges.
5. I have 13 years of professional experience in higher education. From 2013 to 2019, I was an adjunct professor at several community colleges in the Midwest. In 2019, I joined the faculty at my current college as an Instructor.
6. I teach courses on English composition. One of the teaching methods I use is to ask students to choose a topic to write papers about. This year, one of the assignments that I gave my students was to write an argumentative paper, meaning a paper making an argument about an issue. I let students choose the topic on which they would like to write, as I have found this practice increases students' interest and engagement in the assignment.
7. I am aware that the U.S. Department of Education issued a Dear Colleague letter on February 14, 2025, and related guidance which threatens colleges with investigation and the loss of federal funding based on teaching and scholarship related to diversity, equity and inclusion.
8. Since February 14, 2025, my teaching has been affected because some students choose argumentative paper topics related to topics related to race, diversity, equity, and inclusion, and I wonder if that is going to be okay or if it will be considered to violate the Dear Colleague Letter. For example, students have chosen topics related to immigration issues, women's rights, and other similar topics.
9. I fear that my students will no longer have the chance to learn about diversity, equity and inclusion or hear their classmates' viewpoints, to understand the sheer breadth of possible

arguments related to diversity, equity and inclusion, and to lean to respectfully debate this subject with their peers.

10. In my role as a teaching fellow, I assist in developing training for faculty, staff, and administrators to help them develop best teaching and pedagogical practices in the classroom. We provide many resources, technology assistance, accessibility support, LMS (Learning Management System), best teaching practices, and other resources to improve overall instruction at the college.
11. The training that I developed has included many books that include “diversity, equity and inclusion” in the title or have practices associated with these values embodied in the best teaching practices the books describe.
12. My College’s Director of Compliance instructed the office that oversees training and where I am a fellow to identify any training potentially related to DEI to be reviewed.
13. Since February 14, 2025, my work as a Fellow has been affected because the state system of standards for technical colleges requires us to meet standards related to diversity, equity and inclusion. As the result of the Dear Colleague Letter, we have had to gut so much of the training on best teaching practices in this curriculum for faculty training. Our Director of Compliance is using this website from an organization called the Center for Renewing America¹ to determine what materials we have to remove from the training if they include certain words, such as diversity, equity, inclusion, and culturally responsive. I also understand that words we use with respect to best teaching practices are under scrutiny; e.g., I was told not to use “economically disadvantaged,” and anything with “diversity, equity, and inclusion” is being removed from faculty and staff training.

¹ <https://americarenewing.com/issues/defining-woke-key-definitions-and-concepts/>

14. I continue to fear that we will need to make additional changes to the content of our training related to diversity, equity and inclusion.
15. On February 20, 2025, my college decided to eliminate the position of Vice President of DEI, which oversaw different multicultural programs on campus.
16. I believe there's a great deal of misunderstanding of how diversity, equity and inclusion practices help support all students. By eliminating culturally responsive teaching at two year colleges, we are negatively impacting student success. The majority of our students are economically disadvantaged, so the loss of resources and fear of losing those additional resources is a very big concern. Those funds are needed for our institution for students to be successful.
17. In my Leadership in Community College Ed. D. program, I'm currently enrolled in a course on public policy where I'm working with a classmate to write a paper on anti-DEI legislation and its negative impact on student success. The Department of Education's guidance on diversity, equity and inclusion affects this scholarship by making me question what topics I can cover if they relate to diversity, equity and inclusion. I am worried that my scholarship will be viewed as impermissible under the Dear Colleague Letter and I will either have to stop my work or face negative outcomes in my course and in my continued enrollment in the program. In higher education, we look at equity gaps and where we can help bridge those gaps in disparities. Whether it is the searching or the solutions, will those questions and answers be considered inappropriate? If I am looking at why minority males are not successful in writing courses, could this be a problem? In most cases, the solutions help benefit all students because we help remove barriers or improve the instruction in teaching to support all students.

18. For these reasons, I have been chilled in my speech on a topic of critical importance, changed my training courses, and altered my research pursuits to the detriment of me and my students.
19. The Dear Colleague letter and the Department of Education's related guidance should not be permitted to stifle my academic speech related to diversity, equity and inclusion. As long as the letter is effective, I will be unable to fully perform my role as an educator and speak freely on these important topics.
20. I am submitting this declaration anonymously because I fear retaliation from my employer as well as harassment and threats from members of the public for challenging the policies of the Trump administration restricting teaching and discussion that deals with issues of race and gender.

I declare under penalty of perjury that the above is true and correct.

Executed this 14 day of March, 2025.

